

REMARKS**Summary of the Office Action**

The drawings stand objected to because the drawings must show every feature of the invention specified in the claims. Corrected drawing sheets are required.

Claims 2, 3 and 12-14 stand objected to for alleged informalities.

Claims 1-6, 10, 11, 14 and 19-21 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Then et al. (U.S. Patent. No. 5,568,013) (hereinafter "Then").

Claim 1 stands rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Goodberlet et al. (U.S. Patent No. 7,049,747) (hereinafter "Goodberlet").

Claim 7-9, 13 and 15-18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Then, as applied to claims 1 and 2 above, in view of Syms (U.S. Patent No. 7,294,954) (hereinafter "Syms").

Claim 12 and 22 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Then, as applied to claims 4 and 14 above, in view of itself.

Summary of the Response to the Office Action

Applicants have amended independent claims 1 and 14, and dependent claims 2-3, 5, 8-10, 13, 15 and 19 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. Applicants have canceled claims 7, 12, 16, 18, 20 and 22 without prejudice or disclaimer. Accordingly, claims 1-6, 8-11, 13-15, 17, 19 and 21 are currently pending and under consideration. In addition, paragraph [0028] of the specification of the instant application has been amended.

Objection to the Claims

Claims 2, 3 and 12-14 stand objected to for alleged informalities. Claim 12 has been canceled without prejudice or disclaimer, rendering the objection moot. Claims 2, 3, 13 and 14 have been amended to improve the form of the claims in response to the Examiner's comments at pages 4-5, section 7 of the Office Action. Accordingly, withdrawal of the objections to the claims is respectfully requested.

Objection to the Drawings

The drawings stand objected to because the drawings must show every feature of the invention specified in the claims. Corrected drawing sheets are required.

Applicants have amended the claims in order to improve their form in response to the Examiner's comments at pages 2-4, sections 4-6 of the Office Action. Also, Applicants respectfully submit that a minor change has been made to paragraph [0028] of the specification to conform to other parts of the disclosure of the instant application in light of the fact that the wall parts 311 are erected from the bottom part 301a of the depression 301, and therefore the wall parts 311 and the bottom part 301a are clearly different parts from each other. Applicants respectfully submit that the configuration of claim 8 as indicated by the Examiner is fully supported by, for example, paragraph [0028] of the instant application's specification. More particularly, Applicants respectfully submit that it is technically well understood and known in the subject art that an electron multiplier includes secondary electron emitting surfaces. As described, for example, in paragraph [0028] of the specification of the instant application, the electron multiplier section 31 has the wall parts 311 as a base member for the secondary electron emitting surfaces and such secondary electron emitting surfaces are formed on both of the side walls of the wall parts 311 and the bottom part 301a. That is, Applicants respectfully submit that

it is clear that the bottom part 301a is included in the electron multiplier section as a base member for the secondary electron emitting surfaces.

Accordingly, for at least the foregoing reasons, Applicants respectfully request that the objection to the drawings, and the associated requirement for corrected drawing sheets, be withdrawn.

Rejections under 35 U.S.C. §§ 102 and 103

Claims 1-6, 10, 11, 14 and 19-21 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Then. Claim 1 stands rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Goodberlet. Claim 7-9, 13 and 15-18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Then, as applied to claims 1 and 2 above, in view of Syms. Claim 12 and 22 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Then, as applied to claims 4 and 14 above, in view of itself.

Each of independent claims 1 and 14 have been amended to include features of previous dependent claim 7. Accordingly, dependent claim 7 has been canceled without prejudice or disclaimer. Dependent claim 7 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Then, as applied to claims 1 and 2 above, in view of Syms.

Acknowledgement of a Claim of Priority and a receipt of a certified copy of the instant application's priority document (Japanese Patent Application No. P2004-040405, which was filed in Japan on February 17, 2004) was made by the Examiner at page 1, section 12 of the Office Action dated May 19, 2009. Pursuant to 37 C.F.R. § 1.55(a), Applicants submit concurrently herewith a verified translation of Japanese Patent Application No. P2004-040405. The U.S. filing date of Syms is January 10, 2005, which is after the priority date to which this application is entitled. Accordingly, Applicants respectfully submit that Syms should not be

considered as prior art in the present application under any subsection of 35 U.S.C. § 102. As features of previous dependent claim 7 have been added to each of independent claims 1 and 14 and the rejection of dependent claim 7 applied Syms, withdrawal of all of these rejections is thus respectfully requested.

Applicants respectfully submit that (1) the differences between the descriptions in the instant application and the priority document are the points of: (a) the use of diffusion bonding as a fixing method; (b) an upper frame comprised of silicon; and (c) a side wall frame formed with a transmitting window. Applicants respectfully submit that the point (a) is defined in each of claims 8-10, 13-14, 16, and 19-20. Applicants respectfully submit that the point (b) is defined in each of claims 5, 16, and 20. Also, Applicants respectfully submit that the point (c) is defined in each of claims 12, 18 and 22. Applicants respectfully submit that in the instant Amendment paper, claims 12, 16, 18, 20 and 22 are canceled, and the remaining claims 5, 8-10, 13-15, and 19 are respectively amended by removing unnecessary expressions. In particular, claims 8-10, 13-15 and 19 are amended by newly-defining the wording with regard to the “anodic bonding” features.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102 and 103(a) should be withdrawn in light of the newly-implemented claim amendments at least because the applied Syms reference no longer applies as prior art against the instant application.

Furthermore, Applicants respectfully assert that the dependent claims 2-6, 8-11, 13, 15, 17, 19 and 21 are allowable at least because of their dependence from independent claims 1 or 14, and the reasons discussed previously.

Information Disclosure Statement Issues

At page 2, section 3 of the Office Action, the Examiner notes that the “information disclosure statement filed November 8, 2006 fails to comply with 37 CFR 1.98(a)(1). On review of the file, Applicants respectfully submit that no Information Disclosure Statement was submitted in this application on November 8, 2006. Instead, a Submission of International Preliminary Report on Patentability was filed in this application on November 8, 2006. This Submission document included an English-language translation of an International Preliminary Report on Patentability (“IPRP”) dated September 28, 2006 attached thereto for the Examiner’s consideration. This Submission document was not filed as an Information Disclosure Statement with a PTO Form 1449 attached thereto because, as noted on page 1 of the Submission document, each of the documents cited in the subject IPRP were already previously filed and listed on a PTO Form 1449 in an Information Disclosure Statement in this application on August 16, 2006. The Submission document was filed on November 8, 2006 in this application as a courtesy to the Examiner so that the Examiner could consider the English-language translation of the IPRP dated September 28, 2006 which itself cites to documents that were previously-filed in an Information Disclosure Statement in this application on August 16, 2006.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response; the Examiner is invited to contact Applicants’ undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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